

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

IN RE: LOWRY FARMS, INC.

CASE NO. 1:24-bk-70535
CHAPTER 7

AMENDED MOTION FOR RULE 2004 EXAMINATION
OF UNION BANK AND TRUST COMPANY

Pursuant to Rule 2004, F.R.B.P., the Antonio-Benito, et al. Creditors request the Court to order an examination of documents held by Union Bank and Trust Company via the issuance of a subpoena. The Antonio-Benito, et al. Creditors file this **Amended Motion** to correct the title of the Motion they filed as ECF No. 62 on October 15, 2024, which contained an error regarding the name of the Bank. In support of this motion the Antonio-Benito, et al. Creditors state as follows:

1. Consistent with F.R.B.P. 2004(b), the documents sought via this examination and subpoena will relate to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge.
2. More specifically, evidence gathered to date indicates the debtor, Lowry Farms, Inc., transferred funds to a former insider, Marcos Torres Casarrubias aka Dionicio Torres, a longtime employee and crew foreman for the

debtor. Debtor claims that the transferred funds were for the repayment of loans made by Mr. Torres to debtor that allegedly total more than \$60,000.

3. Evidence gathered to date also indicates that in the month prior to the filing of its bankruptcy petition debtor transferred at least 28 vehicles to F & T Labor Consultants, LLC, an entity owned and operated by debtor's former insider Kimberly Renee Ferrell ("F") and Marcos Torres Casarrubias ("T") that engages in the same business activities as the debtor (labor contracting for sugarcane planting work in Louisiana) for the same former clients of the debtor (sugarcane farmers in Louisiana). Debtor claims that the vehicles "were purchased over the course of several years by Marcos Torres."

4. The Antonio-Benito, et al. creditors seek the bank records related to Marcos Torres Casarrubias aka Dionicio Torres account(s) at Union Bank and Trust Company to investigate the claims of loans made to debtor.

5. Documents to be produced pursuant to subpoena:

a. Copies of all bank statements for the years 2022, 2023, and 2024 for any accounts for the following individual, whether those accounts be individual or joint accounts with another entity or individual:

- Marcos A. Torres Casarubbias (including but not limited to an account ending in 6953)
- Marcos Torres
- Marcos Torres Casarrubias

- Dionicio Torres.

b. Copies of all cancelled checks related to any accounts identified pursuant to paragraph 5.a. above for the years 2022, 2023, and 2024.

c. Copies of any and all deposit records and offsets to deposit records related to any accounts identified pursuant to paragraph 5.a. for the years 2022, 2023, and 2024.

6. Time, Date and Place of Production: The documents should be produced in either paper or electronic form by November 8, 2024, and delivered to: Southern Poverty Law Center, 150 E. Ponce de Leon, Suite 340, Decatur, GA 30030. The undersigned will provide an overnight shipping number to expedite delivery. Alternatively, the documents may be produced in electronic form to the undersigned counsel for the Antonio-Benito, et al. Creditors.

WHEREFORE, The Antonio-Benito, et al. Creditors ask the Court to grant this motion pursuant to Rule 2004 and permit them to issue a subpoena for documents to Union Bank and Trust Company as outlined above.

Respectfully Submitted,

/s/ James M. Knoepp
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification to all counsel of record. In addition, I have also caused to be mailed a copy of this filing to the following:

Union Bank and Trust Company
c/o Brandon Hogg
P.O. Box 270
Monticello, AR 71657

Marcos Torres Casarrubias
aka Dionicio Torres
703 Hankins Street
Warren, AR 71671

/s/ James M. Knoepp

October 16, 2024